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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE: San Francisco Bay Conservation
and Development Commission
MULTI-COUNTY: Golden Valley Charter School

A written comment period has been established commencing on **FIRST DAY OF NOTICE January 1, 2010**, and closing on **February 15, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **February 15, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **February 18, 2010**,
at 10:00 a.m.
in The Auditorium of the
Harris State Building,
1515 Clay Street, Oakland,
California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **February 18, 2010**,
following the Public
Meeting,
in The Auditorium of the
Harris State Building,
1515 Clay Street, Oakland,
California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **February 18, 2010**,
following the Public
Hearing,
in The Auditorium of the
Harris State Building,
1515 Clay Street, Oakland,
California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 18, 2010**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7,
Article 7
Section 3308
Hot Pipes and Hot Surfaces

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7,
Article 7
Section 3308
Hot Pipes and Hot Surfaces

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 3308 addresses hot pipes and hot surfaces and stipulates how and when hot pipes and surfaces are to be insulated or guarded against inadvertent contact. As noted in the Division of Occupational Safety and Health (Division) Form 9 Request for New, or Change In Existing, Safety Order dated August 12, 2009, the language of Section 3308 is unclear both to the employer seeking guidance about when to install insulation or guard surfaces and to the Division attempting to enforce the standard. Ambiguity arises because of the standard's use of the un-quantified standard "external surface temperature sufficient to burn human tissue on momentary contact."

To bring clarity to Section 3308, Board staff, in agreement with the Division, proposes to amend Section 3308 to specify 140 degrees F as the temperature capable of causing momentary contact burns to the skin. The value is taken from the American Society of Testing Materials (ASTM) C 1055-03 (Reapproved in 2009) standard. In 2009, the ASTM subcommittee C16.30 on Thermal Measurements established a guide for what constitutes safe surface conditions and has standardized tools by which proposed or existing systems can be examined for potential burn hazard. The ASTM consulted 16 separate sources of scientific literature specific to thermal safety, human physiology and burns, and various thermal injury studies. A bibliography of human burn evaluation studies and surface hazard measurements is listed in the ASTM C 1055-03 References section.

Worker injury resulting from contact with heated surfaces can be prevented by proper design of insulation or other protective measures such as guarding. The proposed inclusion of a scientifically based threshold/trigger temperature for burn injury will ensure that employers know when to implement engineering controls and assure that their employees are effectively safeguarded.

Section 3308. Hot Pipes and Hot Surfaces.

This section requires employers to insulate or guard hot pipes and hot surfaces capable of burning human tissue on momentary contact that are located within 7 feet vertically from the floor or working level or within 15 inches measured horizontally from stairways, ramps or fixed ladders. The section also provides an exception for operations where the nature of the work or size of the parts makes guarding or insulating impracticable.

An amendment is proposed to delete the phrase ". . .sufficient to burn human tissue on momentary contact. . ." and replace this phrase with ". . .of 140 degrees F (60 degrees C) or higher. . ." The proposed amendment will clarify to the employer the surface

temperature at which insulation and guarding is necessary to prevent contact burns.

There is also a non-substantive change to reference Labor Code Section 142.3 in accordance with normal Title 8 formatting and Administrative Procedure Act requirements.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "**Determination of Mandate.**"

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified

alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 12, 2010. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 18, 2010, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274–5721.

You can access the Board’s notice and other materials associated with this proposal on the Standards Board’s homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board’s website or by calling the telephone number listed above.

TITLE 13. DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6, ARTICLE 3,
SECTIONS 1160.3 AND 1160.4

HAZARDOUS MATERIALS GENERAL HAZARDOUS MATERIALS REGULATIONS (CHP–R–10–01)

California Vehicle Code (VC) Section 2402 authorizes the Commissioner of the California Highway Patrol

(CHP) to make and enforce regulations as necessary to carry out the duties of the CHP. Section 2402.7 VC specifically requires the Commissioner to adopt definitions designated by the United States Department of Transportation relating to hazardous materials, substances, or wastes. Section 2532 authorizes the Department to adopt regulations necessary to administer the provisions of Title 13, California Code of Regulations (13 CCR), Division 2, Chapter 2.5, Article 4, relative to the issuance of licenses, including but not limited to Hazardous Materials Transportation Licenses. Sections 32000.5, 32002, 34501, and 34501.5 VC allow the CHP to adopt reasonable rules and regulations which are designed to promote the safe operation of vehicles described in Section 34500 VC, including but not limited to those transporting hazardous materials (HM). The adopted regulations are contained in 13 CCR.

Pursuant to Division 14.1 (commencing with Section 32000) of the VC, the CHP is authorized to inspect and license the motor carriers with special attention directed to the negligent operators or repeat violators. Additionally, the CHP provides additional protection through the licensing of motor carriers transporting HM. This rulemaking adopts changes which clarify HM licensing requirements; permits the Department to license a motor carrier for transportation of HM who has been assigned an unsatisfactory compliance rating for any inspection conducted pursuant to Sections 34501, 34501.12, and 34520, VC under specified conditions; contains non-substantive changes to regulatory language in order to lend further clarity to existing rules; and is promulgated as a result of Assembly Bill 463, Chapter 111, statutes of 2009, and changes to Section 32000.5, VC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CHP proposes to amend Title 13, California Code of Regulations, Division 2, Chapter 6, Article 3, Sections 1160.3 and 1160.4, pursuant to Sections 2402, 2532, 32000.5 and 34501 VC. The CHP proposes to specifically address the HM licensing requirements. The CHP is charged with regulation and licensing of motor carriers transporting HM who operate on California highways. Every motor carrier who directs the transportation of an explosive and any motor carrier who directs the transportation of HM, who is required to display placards, and every motor carrier who transports for a fee in excess of 500 pounds of HM of the type requiring placards, shall be licensed. The purpose for licensing HM transporting carriers is to establish a system of electronic or hard-copy records in order to properly and correctly identify and track those carriers. The

purpose for identifying and tracking the carriers is to implement the mandates contained in Sections 2402.7, 2532, 34501, and 32000.5 VC.

The adoption of these regulations is necessary to outline and clarify requirements associated with different types of HM transportation licenses issued by the Department, to ensure the safe operation of vehicles and transportation of HM by carriers, and to provide the Department enhanced capacity to ensure compliance with applicable requirements.

Additionally, changes to Section 32000.5 VC, as a result of Assembly Bill 463, Chapter 111, statutes of 2009, permit the CHP to issue a new or initial license to transport HM to any motor carrier which has received an unsatisfactory compliance rating as the result of an inspection conducted pursuant to Sections 34501, 34501.12, and 34520, VC within the previous three years, under specified conditions. Adoption of these regulations is necessary to provide clarification of the applicability of the requirements and to implement the legislative intent.

PUBLIC COMMENTS

Any interested person may submit written comments on these proposed actions via facsimile to (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
ATTN: Mr. Cullen Sisskind
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 4:45 p.m., February 15, 2010.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), not later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154 or by calling the CHP, CVS, at (916) 843-3400. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip

code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North Seventh Street, Sacramento, 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cullen Sisskind, or Mr. Greg Bragg, CHP, CVS, at (916) 843-3400. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Sisskind or Mr. Bragg.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur when in reasonable compliance with the proposed action. However, the regulated community is encouraged to respond during the public comment period of this regulatory process if significant impacts are identified.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant impact on small business. This does not represent an additional mandate on motor carriers, but simply provides a clarification of HM licensing requirements. This is not to say a motor carrier who chooses to operate under the provisions of this regulatory process will not incur certain administrative costs; the fact is a motor carrier who elects to use these provisions, would voluntarily subject themselves to the administrative costs associated with certain document preparation and regulatory compliance otherwise required or required by this rulemaking. However, a carrier currently transporting HM in compliance with all applicable statutes and regulations, including but not limited to licensing, safety requirements, will be completely unaffected by this proposal. Should the motor carrier industry identify any costs not identified by this rulemaking, the CHP encourages input on this matter through the comment process.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 2402.7, 2532, 32000.5, and 34501.

REFERENCE

This action implements, interprets, or makes specific Vehicle Code Section 32000.5.

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to add Section 6550.5(e)(1) through (3), in Title 14, in California Code of Regulations, relating to proposed regulations to provide guidelines for determining if a boat is unseaworthy and adding provisions which allow a police officer or harbor policeman authorized the provisions of Chapter 5 of the Harbors and Navigation Code, to issue a written notice to appear in court, in accordance with Harbors and Navigation Code Section 664; to the owner or operator of a boat, allows the officer to terminate the voyage of a boat if it is underway, or allows the officer to have the boat removed from the waterway.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (herein referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department by 5:00 p.m. on Thursday February 15, 2010, which is hereby designated as the close of the written comment period. The Department will also accept written comments during the written comment period. Comments may be transmitted by regular mail, fax, or email to the Department in care of the Contact Person designated below:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

PUBLIC HEARING

The Department does not propose to conduct a public hearing for this proposed regulatory action. However, in accordance with section 11346.8 of the Government

Code, any interested party, or his or her duly authorized representative, may submit a request for a public hearing, in writing, to the Department, at least 15 days before the close of the written comment period, specified above.

Please submit your written request for a hearing to the contact person listed above.

AUTHORITY AND REFERENCE CITATIONS

This regulatory action is taken pursuant to the authority vested by Harbors and Navigation Code Sections 652 and 655, and to implement, interpret, and make specific Harbors and Navigation Code Sections 652, 655, 663, 663.5, 663.6, and 664.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department has the authority, pursuant to Harbors and Navigation Code Sections 652 and 655, which respectively allow for establishing minimum safety standards for boats and associated equipment and adopting regulations for the use of vessels, water skis, aquaplanes, or similar devices that will minimize the danger to life, limb or property consistent with reasonable use of the equipment for the purpose for which it was designed.

Section 6550.5 of Title 14 of the California Code of Regulations currently states that Article 4 defines equipment requirements for all vessels that operate on waters of the state, which requires these vessels to comply with construction standards and equipment requirements of the International Regulations for Preventing Collision at Sea, 1972, are considered to be in compliance with these Rules.

Currently paragraph (d), sub-paragraphs, (1) through (8) of 6550.5, define eight unsafe conditions which allow a peace officer or harbor policemen to order an unsafe vessel to be removed where it is being operated, and where such conditions described therein, cannot be corrected, and where, in the judgement of the officer continued operation of the vessel would create an immediate danger to life, limb or property.

The Department proposes adding paragraph (e), sub-paragraphs (1) through (3) to section 6550.5, to provide guidelines for determining if a boat is unseaworthy and adding provisions which allow a police officer or harbor policemen authorized by the provisions of Chapter 5 of the Harbors and Navigation Code to: (1) issue a written notice to appear in court, (2) order the termination of the voyage of a boat if it is underway or (3) have the boat removed from the waterway under the conditions specified.

These proposed additions to section 6550.5 would define unseaworthy conditions which exceed the eight unsafe conditions specified in subparagraph (d). Subparagraph (e) would allow a peace officer or harbor policemen to take an immediate enforcement action whether or not the operator is on board the vessel, if the vessel manifests any of the unseaworthy conditions defined therein. Currently, a peace officer may only take action to order a boat to shore or have it removed if the operator is on board the unsafe vessel.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or any increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no cost or savings in Federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of

California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

The Department has determined that the proposed regulatory action will not impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

REPORTING REQUIREMENTS

The proposed action makes no reporting requirements upon businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action has no impact on small businesses because only a County, or a public agency within a County, may voluntarily participate in the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program, and the Boating Safety and Boating Law Enforcement Trainee Grant Program, and primarily because counties and public agencies are not considered to be small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments regarding alternatives to the proposed regulations to the contact person, named in this notice, during the public comment period.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for each program proposed, and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation for each program may be obtained from the Department contact person named in this notice. The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text is made available.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulations, inquiries regarding the rulemaking file and questions on the substance of the proposed regulatory action may be directed to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
Telephone: (916) 263-0787
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

NOTE: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Denise Peterson, Law Enforcement and Training Supervisor, at (916) 263-8181.

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the Department's Internet Home Page (<http://www.dbw.ca.gov>).

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the Department's "Decisions Pending and Opportunities for Public Participation" Internet page at <http://www.dbw.ca.gov/PublicOpp.aspx>.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3090, 3091, 3093, and 3095 in the California Code of Regulations (CCR), Title 15, Division 3, concerning an Increase to Inmate Draw Limits.

PUBLIC HEARING

Date and Time: **February 23, 2010, from 9:00 a.m. to 10:00 a.m.**

Place: Office of Training & Professional Development
Sugar Loaf Mountain Conference Room
10000 Goethe Road
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **February 23, 2010, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or

by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**G. Long
Regulation and Policy Management Branch
Telephone (916) 255-5500**

Questions regarding the substance of the proposed regulatory action should be directed to:

**J. Parker
Accounting Administrator II
Inmate Accounting Branch
916-255-1064**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action will provide the following:

- The Department recognizes that an increase in the maximum draw limit will provide inmates with additional spending ability. The additional changes are being proposed to reflect operational changes based on the implementation of a new computer system which automates the canteen sales process.

- Raising the draw limit will have two effects. It will allow inmates the purchasing power closer to what it has been in the past and the increase will allow the Inmate Welfare Fund to increase sales and continue to be self supporting.
- The implementation of the automated Trust Restitution Accounting Canteen System eliminates the draw process and inmates can walk up to the canteen window, provide the required information, and their account will be accessed while they shop and they will no longer need to request a canteen draw.
- Forms being eliminated are the CDC Form 184, Canteen Draw Order (Rev. 9/88), and IWF Form 21, Cash Register Card (4/92).

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Ayres Hotel, 14400 Hindry Ave, Hawthorne, California, at 9:00 a.m. on February 18, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 16, 2010 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2470 of the Business and Professions Code, and to implement, interpret or make specific Sections 138 and 160 of said Code, the Board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Article 13, Section 1399.730.

Existing law, Business and Professions Code section 138, requires every board in the Department of Consumer Affairs to adopt regulations to require its licensees to provide notice to their customers that the practitioner is licensed by the state.

This proposal implements section 138 by mandating notification to consumers by doctors of podiatric medicine of the fact that they are licensed by the Medical Board of California, with the Board's toll-free number and the Board of Podiatric Medicine's web site provided.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: minor

Nondiscretionary Costs/Savings to Local Agencies: none.

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: none

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses, since some licensees work in a small-business practice setting.

This proposed regulation would require doctors of podiatric medicine to determine which of the three notification options provided would be most appropriate for

their practices, and then post a sign where their patients may see it; or put the required language on a piece of paper to be signed by each patient and retained in his/her file; or include the language in another document just above the patient's signature.

However, impact would be minimal, since it is anticipated that most podiatrists' offices will simply post one sign in the reception area or waiting room.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written re-

quest to the contact person named below, or by accessing the Board's website: http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Mischa Matsunami
Address: Board of Podiatric Medicine
2005 Evergreen St., Ste. 1300
Sacramento, CA 95815
Telephone No.: (916) 263-0315
Fax: (916) 263-2651
E-Mail Address: Mischa_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger
Address: 2005 Evergreen Street, Suite 1300
Sacramento, California 95815
Telephone No.: (916) 263-2647
Fax No.: (916) 263-2651
E-Mail Address: Jim_Rathlesberger@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.bpm.ca.gov/lawsregs/prop_regs.shtml.

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room 1150, and Sacramento, California, 95815, at 1:00 p.m., on 18 February 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 16 February 2010 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this

proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 3510 of the Business and Professions Code, and to implement, interpret or make specific Section 3534.8 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following change:

Adopt Section 1399.557.

Article 6.5 of the Business and Professions Code establishes the Diversion of Impaired Physician Assistants Program. The committee's drug and alcohol diversion program was legislatively mandated by statute in 1988 (AB 4510, Chapter 385). The program is currently contracted to Maximus.

Business and Professions Code Section 3534.8 authorizes the Physician Assistant Committee to charge a fee for participation in the program. All program participants are currently assessed a \$100.00 monthly fee for participation in the program.

This proposal would require that licensees mandated to participate in the diversion program, as a condition of probation, pay the full amount of the monthly participation fee charged by the contractor which is \$272.00. Licensees voluntarily enrolled in the program would be required to pay 75% of the monthly participation fee charged by the contractor. Per the contract in place with Maximus, the cost per participant will increase 3% on 1 July of each successive year.

This proposal would also require the program participants to pay their monthly participation fee directly to the diversion program contractor. This proposal would only apply to licensees who enter or re-enter the program on or after the effective date of this regulatory proposal.

The regulatory proposal only affects physician assistant licensees who are participating in the committee's diversion program. It does not affect small businesses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: We estimate cost savings to the committee. Licensees mandated to participate in the diversion program, as a condition of probation, would pay

the full participation fee charged by the contractor. Licensees voluntarily enrolled in the program will pay 75% of the participation fee.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees who would be participating in the committee's diversion program.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Physician Assistant Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because it only affects individual licensees who would be participating in the committee's diversion program.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: www.pac.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website: www.pac.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Glenn Mitchell
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561–8783
Fax No.: (916) 263–2671
E-Mail Address: gmitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815
Telephone No.: (916) 561–8782
Fax No.: (916) 263–2671
E-Mail Address: eportman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at:

www.pac.ca.gov.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes to amend Section 4446.5 of the California Code of Regulations. The initial Statement of Reasons and text of the proposed action are accessible through the *Pending Regulatory Actions* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is contained in Unemployment Insurance (UI) Code Section 10205(m). The proposed regulatory action will implement, interpret and make specific UI Code Sections 10200(a)(1) and 10200(b)(4).

INFORMATIVE DIGEST

A summary of the proposed amendment and its purpose are set forth below.

Under the governing statutes, a primary purpose of ETP-funded training is to meet the challenge of competition from other states. In particular, the Panel is directed to foster the retention of jobs in industries that are threatened by out-of-state competition. (Unemployment Insurance Code Sections 10200(a)(1); 10200(b)(4).) Under current regulation Section 4446.5, a single employer contractor that moves a facility at which training was provided out-of-state, or transfers jobs for which training was provided out-of-state, within three years from the expiration of the training agreement, may be required to return payment earned under the training agreement (the "clawback"). Under the current regulation, the clawback may be imposed by the Panel at its discretion, on a case-by-case basis. The current regulation specifies certain mitigating factors which the Panel shall consider in determining whether to impose the clawback.

The proposed amendment extends the application of Section 4446.5 to a participating employer under a Multiple Employer Contract and to a single-employer contractor that ceases business operations at a facility at which training was provided up to three years after ter-

mination of the training agreement. The proposed amendment also clarifies language relating to the duration of time in which the regulation is applicable, and provides that the Panel has discretion to reimburse an affected Multiple Employer Contractor pro rata for certain administrative costs.

The necessity for the action proposed above is set forth in the Initial Statement of Reasons.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures as required by Government Code Section 11346.2.

A. Fiscal Impact. The proposed action does not impose costs or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Also, this action does not impose non-discretionary costs or savings on any local agency; nor does it impact federal funding for the State. The proposed action does not impose costs, nor effect any savings, on any other state agency. The proposed action does not affect housing costs.

B. Cost Impacts. The Panel is aware that the amendment may have a minor cost impact on companies that accept training funds and then transfer the related facility or jobs out-of-state, or cease business operations at a facility at which training was provided, within the three year duration provided in the proposed amendment. However, it could also preserve ETP funds for distribution among employers who do not transfer the related facilities or jobs out-of-state, or cease business operations in-state. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

C. Adverse Impact on Business. The proposed action does not have any significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This action would have a positive effect since it would better implement the statutory goal of achieving a "strategically designed employment training program to promote a healthy labor market" pursuant to Unemployment Insurance Code Section 10200(a).

D. Effect on Small Business. The effect on Small Business would be negligible. The same response applies as set forth in (B) and (C) above.

E. Effect on Jobs and Business Expansion. The proposed action would not directly create or eliminate jobs in California. Nor would it directly create new businesses or eliminate existing businesses in California. The action would not directly affect the expansion of businesses currently operating in California. The action

will, if anything, promote the retention of jobs and businesses in California by discouraging participating employers from transferring facilities or jobs out-of-state or ceasing business operations in-state, within three years after termination of a training agreement.

F. Imposed Mandate. The proposed action does not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons, than the proposed action. The Panel has made an initial determination that there is no reasonable alternative to the regulatory proposed action that would be more effective in carrying out its purpose, or would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on January 1, 2010 and ending at 5:00 p.m. on February 15, 2010. Any interested person, or his or her authorized representative, may present written comments on the proposed actions within that time period. Comments should be sent to:

William Stuart, Staff Counsel
Employment Training Panel, Legal Unit
1100 "J" Street, Fourth Floor
Sacramento, California 95814
Telephone: (916) 327-5578
E-Mail: wstuart@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to Mr. Stuart at the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

Modifications to the text of the proposed regulatory action may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to Mr. Stuart. Any modifications will be open to

public comment for at least 15 days before being adopted, as noticed on the ETP Website.

ETP will make the modifications available to all persons who submit written comments or testify, or who request notification.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed action, and has compiled all information on which the action was based. This statement, along with the express text of the proposed action and the written information on which it was based, are available for inspection at the written comment address shown above. Any inquiries should be directed to Mr. Stuart.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the addresses shown above. Again, any inquiries should be directed to Mr. Stuart.

This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the text of the proposed action are also posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of the proposed action and the modified text (if any), and the Initial Statement of Reasons, should be directed to Mr. Stuart at the written comment address shown above. In addition, the (rulemaking file) information on which the proposed action is based is also available for inspection upon request made to Mr. Stuart.

In the event Mr. Stuart is unavailable, inquiries regarding the proposed regulatory action should be directed to General Counsel Maureen Reilly at the same address or by phone at (916) 327-5422 or email at mreilly@etp.ca.gov.

TITLE 22. UNEMPLOYMENT INSURANCE APPEALS BOARD

NOTICE OF PROPOSED RULEMAKING

TITLE 22, CALIFORNIA CODE OF REGULATIONS ADOPT SECTIONS 5300 NEPOTISM, 5400 EMPLOYMENT OF BOARD MEMBER, AND AMEND SECTIONS 5002, 5010, 5052, 5055, 5062, 5102, and 5105

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Unemployment Insurance Appeals Board (CUIAB) is

proposing to take the action described in the Informative Digest.

NOTICE OF PROPOSED RULEMAKING

The CUIAB proposes to adopt its current Nepotism and Employment of Board Member policies as regulations.

The nepotism policy defines and regulates the hiring of relatives of persons employed within the CUIAB.

The policy regarding employment of a board member provides that a board member cannot accept a civil service appointment within the CUIAB until one year has elapsed between the end of the person's term as a board member and their appointment to a civil service position.

The CUIAB proposes to amend the following sections of Title 22 of the California Code of Regulations (22 CCR):

- §5002 Applicability of Administrative Procedure Act
- §5010 Case File, Audiovisual Record and Transcript
- §5052 Petition Procedures
- §5055 Electronic Hearing
- §5062 Conduct of Hearing and Evidence
- §5102 New and Additional Evidence
- §5105 Written Arguments and Briefs

WRITTEN COMMENT PERIOD

Any person, or his or her authorized representative, may submit written comments relevant to the proposed rulemaking and regulatory action to the CUIAB. **The written comment period ends at 5:00 p.m. on February 15, 2010.** The CUIAB will consider only written comments received at the CUIAB by that time. The CUIAB requests, but does not require, that persons who submit written comments to the CUIAB reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Kim Hickox, Staff Counsel
California Unemployment Insurance Appeals
Board
Office of the Chief Counsel
2400 Venture Oaks Way, 3rd Floor
Sacramento, California 95833

Or

Ralph Hilton, Chief Counsel
California Unemployment Insurance Appeals
Board
Office of the Chief Counsel
2400 Venture Oaks Way, 3rd Floor
Sacramento, California 95833

Comments may also be submitted by facsimile (FAX) at (916) 263-6842 or by e-mail to kimh@cuiab.ca.gov.

Although a public hearing is not scheduled, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code section 11346.8.

Following the written comment period and/or public hearing if one is requested, the CUIAB may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written comments related to this proposal or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code sections 11400.20 authorizes the CUIAB to adopt regulations regarding the conduct of its proceedings and Unemployment Insurance Code section 411 authorizes the CUIAB to promulgate or amend rules pertaining to hearing appeals and other matters falling within its jurisdiction. Reference: Unemployment Insurance Code sections 1951, 2712 and 3262.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CUIAB's policy regarding nepotism is necessary to prevent the appointment of a person to a position within the agency or a particular subdivision thereof wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, security or morale, or involves a potential conflict of interest. The CUIAB's policy regarding employment of a board member provides that a board member cannot accept a civil service appointment within the CUIAB until one year has elapsed between the end of the person's term as a board member and their appointment to a civil service position. Both policies have the

potential to affect persons not currently employed with the CUIAB; therefore these policies must be adopted through the regulatory process rather than as a policy of the Agency.

The CUIAB's existing regulations are being amended as follows:

§5002 Applicability of Administrative Procedure Act — amend section (a) to add Section 16 of the Administrative Procedure Act, the Administrative Code of Ethics, as applicable to CUIAB procedures.

§5010 Case File, Audiovisual Record and Transcript — change section (b) to retain files for 36 months rather than 13 months in compliance with federal regulations.

§5052 Petition Procedures — change section (e) to make CUIAB procedures comply with section 1222 of the Unemployment Insurance Code.

§5055 Electronic Hearing — change sections to comply with ABx3 29.

§5062 Conduct of Hearing and Evidence — change language of section (m) to add "identify" so CUIAB's procedures comply with federal Department of Labor quality review standards.

§5102 New and Additional Evidence and §5105 Written Arguments and Briefs — propose to amend these regulations to change appellate operations procedures to help meet federal Department of Labor standards regarding timeliness.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATE

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The proposed regulations and amendments to existing regulations do not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with business in other states. This is because it applies only to CUIAB's hiring policies and processes regarding administrative hearings and internal procedures.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESS

The proposed regulations and amendments to existing regulations do not have any business impact or impact on small businesses because they apply only to CUIAB's hiring policies and processes regarding administrative hearings and internal procedures.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The CUIAB has determined that this regulatory proposal will not have any impact on the creation of jobs or new business or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CUIAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None.

ALTERNATIVES

The CUIAB must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of these regulations are proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Kim Hickox
Staff Counsel
CUIAB
2400 Venture Oaks Way, 3rd Floor
Sacramento, California 95833
(916) 263-6806

or

Ralph Hilton
Chief Counsel
CUIAB
2400 Venture Oaks Way, 3rd Floor
Sacramento, California 95833
(916) 263-6806

INITIAL STATEMENT OF REASONS AND INFORMATION

The CUIAB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and the initial statement of reasons and all of the information upon which the proposal is based, may be obtained upon request from the CUIAB at 2400 Venture Oaks Way 3rd Floor, Sacramento, CA 95833. These documents may also be viewed at <http://www.cuiab.ca.gov>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.cuiab.ca.gov>.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

NOTICE OF PROPOSED RULEMAKING

TITLE 23. WATERS DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS CHAPTER 27. REGULATIONS FOR IMPLEMENTATION OF THE ENVIRONMENTAL QUALITY ACT OF 1970

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (SWRCB) proposes to adopt,

amend, or repeal the regulations described below after considering all comments, objections, and recommendations regarding this proposed action.

PROPOSED REGULATORY ACTION

The SWRCB proposes to amend California Code of Regulations, title 23, division 3, chapter 27 (commencing with section 3720) relating to the implementation of the California Environmental Quality Act (CEQA) of 1970.

PUBLIC HEARING

The SWRCB will hold a public hearing beginning at 9:00 a.m. on Wednesday, February 17, 2010 at 1001 I Street, Sacramento, in the Coastal Hearing Room on the second floor. The building is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest. The SWRCB requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The SWRCB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulations. The SWRCB will not accept oral statements subsequent to the public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The comments must be submitted in writing and received by the SWRCB before the written comment period in order to be considered by the SWRCB before it adopts, amends, or repeals the proposed regulations. The written comment period closes at noon, Pacific Standard Time, on Monday, February 15, 2010. Comments may be submitted by U.S. mail to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Comment letters may also be submitted to the Clerk to the Board via email at commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620. Please indicate in the subject line: **“Comment Letter — Proposed CEQA Regulations.”** Hand and special deliveries should also be addressed to Clerk to the Board at the address above. Couriers delivering comments must check in with the

lobby security and have them contact Jeanine Townsend at (916) 341-5600.

To be added to the electronic mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please email Roni Dickerson at rdickerson@waterboards.ca.gov and give your name, address, and telephone number. If you would like to be notified electronically, please so indicate in the voice-mail message and give your email address in addition to the other information requested. Individuals who receive this notice by electronic mail are already on the electronic mailing list.

AUTHORITY AND REFERENCE

The SWRCB has the authority to adopt, amend, or repeal these regulations pursuant to section 21082 of the Public Resources Code. References to specific code sections are identified in the proposed amendments to the CEQA regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Environmental Quality Act of 1970 (CEQA) authorizes the Secretary for Natural Resources to certify that State regulatory programs that meet certain environmental standards are exempt from CEQA Chapters 3 and 4 — the requirements for preparing environmental impact reports, negative declarations, and initial studies. Under Chapters 3 and 4, a lead agency is required to prepare an initial study to determine if a project will have a significant effect on the environment, and then prepare an environmental impact report if it finds significant effects, a negative declaration if there are no significant effects, or a mitigated negative declaration if the project has significant effects, but revisions would avoid or mitigate those effects. Each certified regulatory program (CRP) must still undergo a meaningful review of its cumulative environmental effects; however, the relevant substitute environmental documentation (SED) is prepared under the lead agency's own regulations, which courts have deemed the "functional equivalent" of the traditional CEQA process for environmental review and public comment.

With respect to the State and Regional Water Boards, the Secretary for Natural Resources has approved the Water Quality Control (Basin)/208 Planning Program as a CRP, which includes all water quality control plans, state policies for water quality control, and all components of California's water quality management plan as defined in Code of Federal Regulations, title 40, sections 130.2(k) and 130.6. The State Water Board has determined that it is appropriate to amend its existing

CEQA regulations, including those that concern CRPs, to ensure consistency with (1) statutory revisions to CEQA that have occurred since the regulations were last updated; and (2) various court decisions that have further interpreted CEQA with respect to CRPs. Moreover, these regulatory amendments help eliminate ambiguity and provide additional clarity such that they are easier and more efficient for staff of the State and Regional Water Boards to implement. The principal substantive changes to the existing regulations include clarifying the roles among the State and Regional Water Boards when acting as lead or responsible agency; requiring early public consultation prior to the review of draft SED; and setting forth the processes for preparing a draft SED, the submittal of public comments on the draft SED, agency approval of a final SED, and the issuance of a notice of decision. In addition, the State Water Board is revising the suggested Environmental Checklist to make it more consistent with the checklist adopted by the Secretary for Natural Resources.

FISCAL IMPACT ESTIMATES

Mandate on Local Agencies or School Districts:

The SWRCB has determined that the proposed amendments would not impose a mandate on local agencies or school districts. Additionally, the SWRCB has determined that the proposed amendments will not result in any additional costs or savings to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of the Government Code.

Cost or Savings to any State Agency: The SWRCB has determined that there is no additional cost or savings imposed on state agencies as a result of the proposed amendments.

Other Non-discretionary Cost or Savings Imposed on Local Agencies: The SWRCB has determined that there is no non-discretionary cost or savings imposed on local agencies as a result of the proposed amendments.

Cost or Savings in Federal Funding to the State: The SWRCB has determined that there is no cost or savings in Federal funding to the State as a result of the proposed amendments.

ECONOMIC IMPACT ESTIMATES

Statement of Significant Statewide Adverse Economic Impact Directly Affecting Business: The SWRCB has made the initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Effect on Creation or Elimination of Jobs within California: The SWRCB has determined that the proposed action will have no effect on the creation or elimination of jobs within California.

Cost Impacts on Representative Private Persons or Businesses: The SWRCB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Creation of New Businesses or Elimination of Existing Businesses: The SWRCB has determined that the proposed regulatory action will have no effect on the creation of new businesses or the elimination of existing businesses within California.

Effect on the Expansion of Businesses Currently Doing Business within California: The SWRCB has determined that the proposed action will have no effect on the expansion of businesses currently doing business in California.

Effect on Small Businesses: The SWRCB has determined that the proposed action will have no effect on small businesses because the proposed amendments do not impose any new burdens or benefits. The proposed amendments merely set forth procedures for environmental review of and public comment on actions taken by the State and Regional Water Boards for implementing CEQA, including their certified regulatory programs.

Consideration of Alternatives: In accordance with Government Code section 11346.5, subdivision (a)(13), the SWRCB must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The SWRCB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the public hearing on February 17, 2010 or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The SWRCB has prepared an Initial Statement of Reasons for the proposed action. The Initial Statement of Reasons includes the specific purpose of each amendment proposed for adoption and the rationale for the SWRCB's conclusion that each amendment is reasonably necessary to carry out the purpose for which the regulation is proposed. The Initial Statement of Rea-

sons, the express terms of the proposed regulations and all information on which the proposals are based are available from the agency contact person named in this notice.

The rulemaking file is available for inspection and copying throughout the rulemaking process at the State Water Board Office of Chief Counsel, 1001 I Street, 22nd floor, Sacramento, California. As of the date that this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations, a comparison document showing the changes made to the existing regulations, and the Initial Statement of reasons.

The rulemaking file will also be published and made available on the SWRCB's Internet website. This website address is: http://www.swrcb.ca.gov/laws_regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the SWRCB may adopt the proposed regulations as originally proposed, or with nonsubstantial or grammatical modifications. If the SWRCB makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the SWRCB adopts the regulations as modified. A copy of any modified regulations may be obtained by contacting Sarah Olinger, the primary contact person identified below. The SWRCB will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting either of the persons listed below. A copy may also be accessed on the website mentioned above.

CONTACT PERSONS

Primary Contact Person:
Sarah Olinger, Staff Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
Phone: (916) 322-4142
Email: solinger@waterboards.ca.gov

Alternate Contact Person:
Phil Wyels, Assistant Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
Phone: (916) 341-5178
Email: pwysels@waterboards.ca.gov

GENERAL PUBLIC INTEREST

**TITLE 2. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

Notice to Interested Parties
January 1, 2010

Child-Specific Reference Dose — Notice of the
Extension of the Public Comment Period on the
Child-Specific Reference Dose (chRD) for Paraquat
for use in Assessing Health Risks at Existing and
Proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) received a request to extend the comment period on the draft report, Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code (HSC) Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSE (chRD) FOR PARAQUAT. After careful consideration

for providing adequate time for the review and comment and to finalize the document in a timely fashion, OEHHA has decided to extend the end of the comment period from January 22, 2010 to **February 22, 2010**.

The draft report can be downloaded from the OEHHA website at www.oehha.ca.gov. **OEHHA requests that written comments on this draft report be submitted by 5:00 p.m., February 22, 2010.** Comments can be submitted using the address, fax number, or email address below. If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below.

HSC §901(g) requires the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the appropriate entities within the California Environmental Protection Agency, to identify those chemical contaminants commonly found at school sites and determined by OEHHA to be of greatest concern based on child-specific physiological sensitivities. HSC 901(g) also requires OEHHA to annually evaluate and publish, as appropriate, numerical health guidance values (HGVs) or chRDs for those chemical contaminants.

The draft chRD for paraquat being considered at this time is 7×10^{-5} mg/kg-day. In developing the chRD, OEHHA selected two young animal studies and two adult animal studies. Collectively these studies paint a cohesive picture that paraquat is a neurotoxicant and impacts brain functions. The chRD is based on the lowest observed adverse effect level (LOAEL) of 0.07 mg/kg-day from one of the studies.

A public workshop will also be held from 10:00 a.m. to 12:00 p.m. on January 13, 2010, in the Conference Room 230 on the second floor of the Joe Serna (Cal/EPA headquarters) Building, 1001 I Street, Sacramento. Oral and written comments received at the workshop and during the comment period will be considered during the revision of the draft document. Because there will be no official transcript of the meeting, we recommend that oral comments also be submitted in writing.

Mr. Leon Surgeon
Integrated Risk Assessment Branch
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street, MS-12B
Sacramento, California 95812-4010
Email: IRAB@oehha.ca.gov
FAX: (916) 322-9705

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

CANDIDATES FOR LISTING VIA THE AUTHORITATIVE BODIES MECHANISM FOUND NOT TO MEET THE FORMAL IDENTIFICATION CRITERIA: CLODINAFOP-PROPARGYL AND METOFLUTHRIN

JANUARY 1, 2010

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) issued requests for relevant information in the *California Regulatory Notice Register* as to whether *clodinafop-propargyl* (CAS No. 105512-06-9) and *metofluthrin* (CAS No. 24044-70-6) meet the criteria for listing as causing cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Register 2009, No. 46-Z; and Register 2008, No. 49-Z, respectively). OEHHA issued the information request for *metofluthrin* on December 5, 2008, and the request for *clodinafop-propargyl* on November 13, 2009.

The U.S. Environmental Protection Agency (U.S. EPA) has changed its classification for these chemicals. Therefore, they do not meet the sufficiency criteria specified in Title 27, California Code of Regulations, section 25306(d). In view of this change in the cancer classifications of the chemicals by the U.S. EPA, OEHHA will not proceed with the proposed listing of these chemicals as known to cause cancer via the authoritative bodies mechanism at this time.

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**Office of Environmental Health
Hazard Assessment
California Environmental Protection Agency
Notice to Interested Parties**

January 1, 2010

**ANNOUNCEMENT OF PUBLICATION OF THE
FINAL PUBLIC HEALTH GOAL FOR
BROMATE IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency announces the publication of the final technical support document for the Public Health Goal (PHG) for bromate in drinking water. The PHG is established at 0.1 ppb, based on carcinogenic effects. The first draft of the bromate document was posted on the OEHHA Web site (www.oehha.ca.gov) on July 24, 2008 and a one-day public workshop was held on September 11, 2008 to discuss it. OEHHA follows the requirements set forth in Health and Safety Code sections 57003(a) and 116365 for conducting the workshop and obtaining public input. After addressing the comments received, a second draft of the PHG document was posted on the OEHHA Web site on April 24, 2009 for a 30-day public review and scientific comment period. Additional comments were received on the revised draft. OEHHA has now finalized the PHG document after further revisions and is posting the final version and our responses to the major comments on the OEHHA Web site (www.oehha.ca.gov/water/phg/index.html).

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Project

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

DEPARTMENT OF SOCIAL SERVICES

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION TO REVIEW
ALLEGED UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Charles Thacker, Owner
Leap and Bound Academy
22410 Palos Verdes Blvd.
Torrance, CA 90505

Agency contact:

John Wagner, Director
Department of Social Services
744 P Street, MS 8-4 192
Sacramento, CA 95814

Please note the following timelines:

Publication of Petition in Notice Register: January 1, 2010

Deadline for Public Comment: February 1, 2010

Deadline for Agency Response: February 16, 2010

Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response

Deadline for OAL Decision: May 3, 2010

¹ Codified at Health and Safety Code, section 116270 et seq.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

RE: Alleged Underground Regulation

1. Identifying information:

Leap and Bound Academy
Charles Thacker, Owner
22410 Palos Verdes Blvd, Torrance CA 90505
(310) 344 1681
cethacker@hotmail.com

2. Agency being challenged:

California Department of Social Services
Community Care Licensing Division (CCLD)

3. Purported Underground Regulation:

In the CCLD Evaluators manual, Regulation Interpretations and Procedures, Child Care Centers, Section 101173(b)(1) which states:

(italics and underlining added by me to show the regulation language and regulation indicators)

Evaluators Manual, Regulation interpretations and procedures, child care centers <http://www.cclld.ca.gov/res/pdf/ChildCareCenters.pdf>

PLAN OF OPERATION 101173

(b)(1) POLICY

Existing regulations do not address Internet and non-internet video monitoring of childcare centers. The use of monitoring systems will be treated as a matter of parental choice. Licensing has a responsibility to ensure that authorized representatives can make an informed choice regarding the transmission of the images of their children. Until regulations are adopted that specifically address the use of monitoring systems, these systems will be allowed in child care facilities provided set conditions are met.

PROCEDURE

A. Any applicant/licensee that chooses to use a monitoring system in a child care facility must include as part of their program statement, a detailed plan of the system to be used by the facility. The licensee is *required to report any change in services* provided (See Section 101212(e)(4)).

1. Facilities licensed prior to October 29, 1998, *shall* revise their program statement to reflect the addition of the monitoring system.

a. The revised program statement *shall* be submitted to the licensing office for review 60 days prior to installing the monitoring system.

b. Copies of the revised program *statement shall* be given to each authorized representative 30 days prior to installing the monitoring system.

2. Effective October 29, 1998, applicants *must* include their plan for use of a monitoring system in their program statement submitted as part of application pursuant to Section 101169.

3. Facilities licensed October 29, 1998, and after, that did not install a monitoring system initially but now choose to install a system, *must follow 1(a) and 1(b) above.*

B. Any applicant/licensee that chooses to use a monitoring system in a child care facility must *include as part of their admission agreement as specified in Section 101219*, a statement notifying authorized representatives of the facility's use of a monitoring system.

1. Facilities licensed prior to October 29, 1998, *shall revise their admission* agreement to reflect the addition of the monitoring system.

a. The revised agreement *shall be submitted to the licensing office 60 days* prior to installing the monitoring system.

b. Authorized representatives shall sign the new *agreement 30 days prior to installing the monitoring system.*

2. Effective October 29, 1998, applicants *must include* a statement notifying authorized representatives of the facility's use of a monitoring system in the admission agreement submitted as part of application pursuant to Section 101169.

3. Facilities licensed October 29, 1998, and after, that did not install a monitoring system initially but now choose to install a system, *must follow 1(a) and 1(b) above.*

C. Authorized representatives must be informed of any security precautions including an explanation of whom might reasonably be expected to get access to the images of their children over the Internet and/or the non-internet video tape.

D. Authorized representatives *shall be informed* of the location of the cameras.

E. The facility *shall post notices throughout* the center informing visitors of the use of the monitoring system and the location of the cameras.

F. Monitoring systems *cannot be used when any child is in care for whom a parent has not signed the admission agreement reflecting use of the system.*

G. The use of the monitoring system shall not be a substitute for required staffing ratios, or visual observation of children as required by Regulation Sections 101229 and 101329.

H. The facility *shall notify authorized representatives and licensing pursuant to Section 101212 immediately of any security breaches and shut the system down until the facility assures licensing the security breach has been fixed.*

4. CCLD actions that demonstrated that it enforced the purported underground regulation.

Culver City branch of CCLD cited me for violating two sections of Title 22. Specifically, 101212(e)(4) and 101219 for installing a video monitoring system to verify that my teachers were in compliance with Title 22. CCLD alleged that I violated the regulation when I failed to notify CCLD and all my customers of the system. I informed CCLD that I researched the regulation prior to the installation (to insure I was in compliance) and did not find any requirements for notification. Clearly, if Title 22 had required notification, I would have provided notification.

I was cited for "Type A" violations which are SERIOUS DEFICIENCIES likely to cause SERIOUS and IMMEDIATE RISK to children. Please see the citation later in this document.

Violation #1 is for 101212(e)(4) which states:

REPORTING REQUIREMENTS: Any changes in the *plan of operation* that affect services to children [must be reported to CCLD].

The *Plan of Operation* is regulated by Title 22, section 101173 which states:

101173 PLAN OF OPERATION

(a) Each licensee shall have and keep on file a current written, definitive plan of operation. A copy of the plan shall be submitted to the Department with the license application.

(b) The plan and related materials shall contain the following:

- (1) Statement of purposes, and program methods and goals.
- (2) Statement of admission policies and procedures.
- (3) A copy of the admission agreement.
- (4) Administrative organization, if applicable.
- (5) Staffing plan, qualifications and duties, if applicable.

(6) Plan for in-service education of staff if required by regulations governing the specific child care center category.

(7) A sketch of the building(s) to be occupied, including a floor plan that describes the capacities of the buildings and the uses intended, the room dimensions, and the rooms to be used for nonambulatory children; and a sketch of the grounds that shows buildings, driveways, fences, storage areas, pools, gardens, recreation areas and other space used by the children. All sketches shall show dimensions.

(8) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served.

(9) Transportation arrangements provided by the applicant/licensee for children who do not have independent arrangements.

(10) Rate-setting policy including, but not limited to, a policy on refunds.

(11) Consultant and community resources to be utilized by the child care center as part of its program.

(c) Any proposed changes in the plan of operation that affect services to children shall be subject to departmental approval prior to implementation and shall be reported as specified in Section 101212.

(d) The child care center shall operate in accordance with the terms specified in the plan of operation.

As you can see, the Plan of Operation, as defined in 101173 does not address video monitoring requirements or notification and I did not change any services that affect children so there was no need to update the plan of operation.

Violation #2 is for 101219 which states:

101219 ADMISSION AGREEMENTS

(a) The licensee and the child's authorized representative shall jointly complete a current individual written admission agreement for the child. This documentation shall be maintained at the child care center and shall be available for review.

(b) Admission agreements shall specify the following:

- (1) Basic services.
- (2) Available optional services.
- (3) Payment provisions, including the following:
 - (A) Basic rate.
 - (B) Optional services rates.

- (C) Payor.
- (D) Due date.
- (E) Frequency of payment.
- (4) Modification conditions, including the requirement that the child's authorized representative be given at least 30–calendar–days prior written notice of any basic rate change.
 - (A) Agreements involving children whose care is funded at government–prescribed rates may specify that the effective date of a government rate change shall be considered the effective date for basic service rate modifications and that no prior notice is necessary.
- (5) Refund conditions.
- (6) Right of the Department to perform the duties authorized in Sections 101200(b) and 101200(c).
- (7) Conditions under which the agreement may be terminated.
- (c) The licensee, or his/her designee, and the child's authorized representative shall sign and date the child's admission agreement no later than seven calendar days following admission.

(d) Modifications to the original admission agreement shall be made whenever circumstances covered in the agreement change, and shall be dated and signed by the persons specified in (c) above.

(e) The licensee shall keep the original copy of the admission agreement and give a photocopy to the child's authorized representative.

(f) The licensee shall comply with all terms and conditions set forth in the admission agreement.

(g) The admission agreement shall be automatically terminated by the death of the child. No liability or debt shall accrue after the date of death.

Likewise, 101219 does not address any video monitoring requirements and therefore my admissions agreement did not change. Since it did not change, no CCLD reporting was required.

However, you can see in the citation below, that CCLD described the deficiencies, almost verbatim, from the Evaluator's manual — an underground regulation. They alleged that I failed to inform CCLD 60 days prior . . . notify parents 30 days prior . . . inform CCLD of changes to the plan of operation. CCLD then states that "Any licensee/owner that chooses to use a monitoring system in a child care facility must include as part of their program statement, a detailed plan of the system . . ." A standard of general application.

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 1-Z

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
L.A. DAYCARE-NO. WEST, 8167 BRISTOL PARKWAY #400
GULVER CITY, CA 90230

FACILITY EVALUATION REPORT (Cont)

FACILITY NAME: LEAP AND BOUND ACADEMY
DEFICIENCY INFORMATION FOR THIS PAGE:

FACILITY NUMBER: 197410866
VISIT DATE: 09/18/2009

Deficiency Type POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type A 09/18/2009 Section Cited 101212(e)(4)	<p>1 Facility failed to report to the department within 10 working days, any changes in the plan of operation, recording or camera devices that affect services to the children. Facility has failed to inform CCLD, 60 days prior to installing cameras & notify parents within 30 days of camera being installed in the facility. Facility failed to inform of any changes in the plan of operation that affect services to the children. Any licensee/owner that chooses to use a monitoring system in a child care facility</p> <p>8 must include as part of their program statement, a detailed plan of the system to be used by facility. The licensee/owner is required to report any change in services provided.</p>	<p>1 Facility/owner needs to remove any/all cameras from the facility, unless facility/owner chooses to follow procedures with CCLD, update admission agreements and obtain parent authorizations.</p>
Type A 09/18/2009 Section Cited 101219	<p>1 Facility has failed to submit any changes in the admission agreements that affect services to the children in care. Any licensee that chooses to use a monitoring system in a child care facility must include this information in the admission agreement. Parents must be informed of recording devices and the positions of such devices. CCLD did not receive an updated admission agreement prior to installing the cameras.</p>	<p>1 Facility/owner needs to remove any/all cameras from the facility, unless facility/owner chooses to update admission agreements and obtain parent authorizations.</p>

Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

SUPERVISOR'S NAME: Jennie Ferreira
LICENSING EVALUATOR NAME: Eddy Perez
LICENSING EVALUATOR SIGNATURE:

TELEPHONE: (310) 337-4331
TELEPHONE: (310) 740-3050

DATE: 10/20/2009

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 10/20/2009

5. Legal Basis for declaring the Evaluator's Manual section as a regulation:

Argument 1: Compliance is Mandatory: Compliance with the rulemaking requirements of the Administrative Procedure Act is mandatory. (*Armistead v. State Personnel Board*) so if it is a regulation, it must comply with the APA.

Argument 2: No Express Exemption: Title 22 is not expressly exempted by statute so it is subject to the APA (*Engelmann v. State Board of Education*). Title 22 is not expressly exempt from APA.

Argument 3: Looks, Reads, Acts . . .: If a rule looks like a regulation, reads like a regulation, and acts like a

regulation, it will be treated by the courts as a regulation whether or not the issuing agency so labeled it (*SWRCB v. OAL*). On this argument, consider these points:

1. The purported regulation states that "until regulations are adopted that specifically address the use . . . provided set conditions are met." In effect, this became the defacto regulation for video monitoring in child care centers. IT LOOKS LIKE A REGULATION.
2. The purported regulation uses regulation terms such as "shall" and "must" which invoke specific requirements on the licensee. IT READS LIKE A REGULATION.

3. The purported regulation invokes other sections of Title 22 such as 101169 and 101229 making this section act like a regulation. IT ACTS LIKE A REGULATION.

Argument 4: No Embellishment: Agency rules properly promulgated as regulations cannot be embellished upon in administrative manuals (i.e., Evaluator's manual). Union of American Physicians and Dentists v. Kizer (1990). CCLD is attempting to embellish section 101173 "Plan of Operations" and 101219 "Admissions Agreement" which are properly promulgated regulations, by adding underground regulations in the Evaluators Manual.

Argument 5: Standard of general application applies to all members. . . Faulkner v. California Toll Bridge Authority (1953). CCLD is applying the regulation to all child care centers so it is a regulation.

Argument 6: Prohibition: The APA specifically prohibits any state agency from making any use of a state agency rule which is a "regulation" as defined in Government Code section 11342.600 that should have, but has not been adopted pursuant to the APA. CCLD has violated APA by enforcing an "underground regulation."

6. **Impact of considerable public importance:**

Argument 1: CCLD failed the Public Trust which harmed the consumer: We all rely on CCLD to properly monitor and enforce safety and welfare at our pre-schools. Parents expect that CCLD is knowledgeable of state laws and faithfully manages regulations that flow from those laws. CCLD failed the public trust by failing to maintain Title 22 with properly promulgated regulations. By CCLD's own account, the underground regulation has been in place since 1998 —11 years!! Health and Safety Code section 1596.816 states:

1595.816(b) All child care regulatory functions of the licensing division, including the adoption and interpretation of regulations . . . shall be carried out by the child care licensing branch. . .

Therefore, CCLD is the author of both the Evaluator's Manual and the Title 22 with respect to child care. CCLD is derelict in its duties under the law for failing to promulgate, for eleven years, the underground regulations in its Evaluator's Manual. CCLD's actions and inactions failed the public trust and harmed the consumer by denying the consumer the benefit of a proper regulation.

Argument 2: CCLD failed the Public Trust by harming the licensed childcare provider: Providers rely on Title 22 and the Health and Safety Code to determine compliance with state laws and regulations. CCLD harmed all licensed childcare providers when CCLD failed to properly promulgate its underground regula-

tions. When CCLD follows the rulemaking process, licensed childcare providers are provided notice and an opportunity to comply with the new regulation and avoid citations. CCLD "hid" the video monitoring regulation in its Evaluator's manual thus placing licensed childcare providers in the dark as to the regulation. Licensed Providers which did not receive notice of the regulation requirements are left in "harms way". False-ly accusing licensed child care providers of regulation violations harms California by subverting the will of the Legislator. Specifically:

1596.72. The Legislature finds all of the following:

(a) That child day care facilities can contribute positively to a child's emotional, cognitive, and educational development.

(b) That it is the intent of this state to provide a comprehensive, quality system for licensing child day care facilities to ensure a quality day care environment.

(c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child day care facilities.

(d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child day care facilities from those facility types administered under Chapter 3 (commencing with Section 1500).

(e) That good quality child day care services are an essential service for working parents.

Licensed providers will quit the business if they cannot trust in CCLD to properly enforce the law. Creating fewer licensed providers rather than more licensed providers is contrary to the will of the Legislature.

Argument 3: CCLD failed the Public Trust by treating the APA with contempt. By ignoring the regulatory process for literally YEARS, CCLD fosters an image and attitude that CCLD does not abide by the rule of law. The public is harmed whenever public officials such as CCLD ignore the rule of law and instead develop their own underground regulations outside of the law. The APA was developed to insure that the public feels secure and confident in its government. When CCLD ignores the APA, the residents of California lose confidence in the government and the rule of law.

7. Attachment: Full citation from CCLD

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced or attempted to enforce the purported underground regulation by certified mail, 7008 1140 0001 8145 9821.

Eddy Perez, Licensing Evaluator
Jennie Ferreira Supervisor
Cagle Moore Director, California South

California Department of Social Services
Community Care Licensing Division
6167 Bristol Parkway #400
Culver City, CA 90230
(310) 337-4331

I certify that all of the above information is true and correct to the best of my knowledge.

/s/ _____, dated Nov 10, 2009

PRISON INDUSTRY AUTHORITY

OFFICE OF ADMINISTRATIVE LAW

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the California Code of Regulations)

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.
Petitioner:

David Smith, J-11874
Correctional Training Facility ED-088-Low
P.O. BOX 689
Soledad, CA 93960-0689

Agency contact:

Charles Pattillo, General Manager
Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630

Please note the following timelines:

Publication of Petition in Notice Register: January 1, 2010

Deadline for Public Comment: February 1, 2010

Deadline for Agency Response: February 16, 2010

Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response

Deadline for OAL Decision: May 3, 2010

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

RE: Alleged Underground Regulation

FROM: David Thayne Smith (Petitioner)

DATE: 10/25/2009

Use of this form is optional. It requests the information required by California Code of Regulations, title 1, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by California Code of Regulations, title 1, section 260, including the supporting documentation, must be included in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: David Thayne Smith
Correctional Training Facility

Your address: J-11874 ED-088-Low
P.O. Box 689, Soledad, CA
93960-0689

Your telephone number (if you have one): NONE

Your email (if you have one): NONE

2. State agency or department being challenged:

Prison Industry Authority (see California Penal Code §2800 et seq.)

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.

California Department of Corrections Operations Manual § 51121.1

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

California Penal Code § 2811 mandates that the [Prison Industry] Board "shall" adopt and maintain a compensation schedule for prisoner employee. Such compensation schedule "shall" be based on quantity and quality of work performed and "shall" be required for its performance, but in no event "shall" such compensation exceed one-half the minimum wage

It appears the PIA Board failed to create such a compensation schedule all that seems to have been done was to allow the California Department of Corrections create a schedule that the PIA Board uses, yet this fails the APA rules and public comment period and PIA prisoner employee and public input.

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

California Penal Code § 2811 provides no express statutory exemption allowing California Department of Corrections to set payment schedule for PIA prisoner employees instead of the PIA Board without public comment.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

This regulation effects over 3,000 PIA prisoner employees and over 600 PIA Staff Supervisor who have to judge prisoner performance

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:

Name of person in agency to whom petition was sent:

Agency: Prison Industry Authority
560 E. Natoma Street

Address: Folsom, CA 95630

Agency: Office of Administrative Law
300 Capitol Mall; Suite 1250

Address: Sacramento, CA 95814

Telephone number:

I certify that all of the above information is true and correct to the best of my knowledge.

David Thayne Smith
Signature of Petitioner

11/1/2009
Date

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

**DEPARTMENT OF HEALTH CARE
SERVICES
OFFICE OF ADMINISTRATIVE LAW**

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On October 19, 2009, The Office of Administrative Law (OAL) received a petition challenging the Medical Provider Manual that a "Supervising anesthesiologist is permitted to supervise a maximum of two operating rooms and must remain within visual and auditory range of the SNRA being supervised issued by the Department of Health Care Services as an alleged underground regulation.

On December 17, 2009, University of CA, Irvine certified to the OAL that the Medi-Cal Provider Manual had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-1117-01
BOARD OF ACCOUNTANCY
Continuing Education

The Board of Accountancy has adopted new sections 81, 87.8 and 87.9 and amended existing sections 80, 87, 87.1, 87.7, 88, 88.1, 88.2, and 89 of title 16 of the California Code of Regulations concerning continuing education.

Title 16

California Code of Regulations

ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89

Filed 12/18/2009

Effective 01/01/2010

Agency Contact:

Matthew Stanley (916) 561-1792

File# 2009-1030-02

BUREAU OF AUTOMOTIVE REPAIR**Smog Inspection Requirements**

BAR is the state agency charged with administration and implementation of the Smog Check Program (Program). In 2007, AB 1488 was adopted, requiring BAR to incorporate certain diesel-powered vehicles into the Program. BAR was required to at least include 1998 and newer model year vehicles with a gross vehicle weight (GVWR) up to and including 8,500 lbs. beginning January 1, 2010. AB 1488 also allowed for testing of diesel-powered vehicles with a GVWR up to and including 13,999 lbs. once ARB and BAR could effectively identify the vehicles and adopt tests for them. AB 1488 also requires a visual inspection of the emissions control devices and a test of the vehicle's exhaust emissions, in accordance with procedures prescribed by BAR. BAR, in consultation with DMV and ARB determined that it would be more efficient to include vehicles with a GVWR up to and including 13,999, when the Program begins. This year, SB 734 changed the GVWR to 14,000 lbs. for diesel-powered vehicles in the Program. The diesel-powered vehicle population subject to the biennial Program for calendar year 2010 is expected to be approximately 540,000 vehicles. In addition, diesel-powered vehicles that are more than four model years old will require a Smog Check inspection upon change of ownership and upon initial registration in California, beginning January 1, 2010. For 2010, the number of inspections of diesel-powered vehicles is expected to be 325,000. BAR is providing the online diesel-specific inspection training to the technicians at no cost. They will not be required to purchase any new equipment. This regulatory amendment is also incorporating by reference the Smog Check Inspection Procedures Manual (August 2009) into section 3340.45.

Title 16

California Code of Regulations

ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42

Filed 12/16/2009

Effective 12/16/2009

Agency Contact: Virginia Vu (916) 255-2135

File# 2009-1102-01

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE**Intellectual Property and Revenue Sharing for/Non-Profit Grants**

This regulatory action establishes new intellectual property and revenue sharing requirements for California Institute for Regenerative Medicine grants awarded to non-profit and for-profit grantees.

Title 17

California Code of Regulations

ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611

Filed 12/17/2009

Effective 12/17/2009

Agency Contact: C. Scott Tocher (415) 396-9136

File# 2009-1209-02

CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY**California Capital Access Program for Small Business**

This emergency rulemaking action amends sections of Title 4 of the California Code of Regulations concerning the California Capital Access Program for small businesses. It adds several enterprises to the list of those for which loans cannot be enrolled under the Program. It specifies the time during which a loan pre-qualification remains valid and the time limit on the term of enrollment of a loan. It removes the requirement that a lender notify the California Pollution Control Finance Authority (CPCFA) of any loan extension or renewal that does not increase the loan amount. It adds a provision which enables the CPCFA to withdraw all interest and income that has been credited to a lender's loss reserve account. It also limits a lender's principal and interest maximum reimbursement claim to the enrolled amount of the qualified loan.

Title 4

California Code of Regulations

AMEND: 8070, 8072, 8073, 8074

Filed 12/17/2009

Effective 12/17/2009

Agency Contact: Kamika McGill (916) 654-2492

File# 2009-1123-07
CALIFORNIA STATE UNIVERSITY
 Residence Reclassification — Financial Independence Requirement

This regulatory action requires nonresident students to demonstrate financial independence, as specified, in order to be reclassified as a resident for tuition purposes. It is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
 California Code of Regulations
 AMEND: 41905
 Filed 12/18/2009
 Effective 12/18/2009
 Agency Contact:
 Cassandra M. Andrews (562) 951-4500

File# 2009-1207-01
CALIFORNIA STUDENT AID COMMISSION
 Implement: California National Guard Education Assistance Award Program

The California Student Aid Commission adopted sections 30730, 30731, 30732, 30733, 30734, 30735, and 30736 in title 5 of the California Code of Regulations implementing the California National Guard Education Assistance Award Program.

Title 5
 California Code of Regulations
 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736
 Filed 12/16/2009
 Effective 12/16/2009
 Agency Contact:
 Kathy Spencer (916) 464-3021

File# 2009-1110-06
DEPARTMENT OF AGING
 Allocation and Transfer of Federal Funds

Current regulations restrict the use of annually re-allocated federal funds to three purposes and prohibit the use of re-allocated funds for baseline services for Area Agencies on Aging (AAA). Because of the severity of the State budgetary cuts that have reduced or eliminated State General Fund support from the programs, that resulted and will continue to result in a decrease in the level of services, this proposed regulatory action will eliminate the prohibition against using re-allocated federal funds for baseline services, and will now specify that re-allocated federal funds may be used for baseline services.

Title 22
 California Code of Regulations
 AMEND: 7314
 Filed 12/21/2009
 Effective 01/20/2010
 Agency Contact:
 Chisorom U. Okwuosa (916) 419-7508

File# 2009-1118-02
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
 Offender Treatment Program

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2008-1110-02E) that established the process for applying for and distributing funds available under the Substance Abuse Offender Treatment Program (OTP), including establishing the methodology for allocating the funds under the program. The Department of Alcohol and Drug Programs distributes these funds to counties that meet designated eligibility criteria for the purpose of improving county treatment practices with respect to substance abuse offenders who are sentenced to drug treatment in lieu of incarceration services under the Substance Abuse and Crime Prevention Act of 2000 (SACPA). OTP funds are used to enhance county drug treatment services for individuals sentenced to complete drug treatment in lieu of incarceration, increase the proportion of sentenced offenders who enter, remain in and complete treatment, and reduce delays in availability of appropriate treatment.

Title 9
 California Code of Regulations
 ADOPT: 9550
 Filed 12/21/2009
 Agency Contact:
 Mary Conway (916) 327-4742

File# 2009-1214-03
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
 Licensure and Certification Fees

This emergency readoption continues the repeal of the old fees for licensing of alcoholism and drug abuse recovery or treatment programs and continues the new and more broadly applicable schedule of higher fees for licensing and certification of outpatient and residential alcoholism and drug abuse recovery or treatment programs.

Title 9
 California Code of Regulations
 ADOPT: 10700, 10701 AMEND: 10518, 10529
 REPEAL: 10532, 10533
 Filed 12/21/2009

Effective 12/27/2009
Agency Contact: Mary Conway (916) 327-4742

File# 2009-1210-01
DEPARTMENT OF CONSERVATION
Distributor Emergency Regulations

The Department of Conservation submitted this statutory deemed emergency action, pursuant to Public Resources Code section 14536(b), to amend the due dates for distributor redemption payments for sales or transfers of recyclable beverage containers in title 9, California Code of Regulations, sections 2310 and 2320. Regulations pursuant to Public Resources Code section 14536(b) shall not be repealed by the Office of Administrative Law and shall remain in effect until revised by the director of the Department of Conservation.

Title 14
California Code of Regulations
AMEND: 2310, 2320
Filed 12/21/2009
Effective 12/21/2009
Agency Contact: Karen Denz (916) 322-1899

File# 2009-1109-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Reasonable Suspicion Standard for Inmates Searches

This regulatory action amends provisions governing the standard for searches and inspections in order to apply the reasonable suspicion standard. This conforms to proper legal standards for cell, property and body inspections and standard correctional practice across the United States.

Title 15
California Code of Regulations
AMEND: 3287, 3290
Filed 12/21/2009
Effective 01/20/2010
Agency Contact: Gail Long (916) 341-7329

File# 2009-1215-03
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

This emergency rulemaking action expands the quarantine area for the Mediterranean Fruit Fly in San Diego County as a result of the trapping of several sexually mature adult males in December of 2009. The epicenters of the expanded quarantine area will be the trapping sites and include a 4.5 mile buffer zone around each. The rulemaking also deletes the exemption for movement of smooth skinned lemons, consistent with a similar deletion by the U.S. Department of Agriculture in the Code of Federal Regulations, based on research

showing that this fruit also serves as a Mediterranean Fruit Fly host.

Title 3
California Code of Regulations
AMEND: 3406(b)(c)
Filed 12/16/2009
Effective 12/16/2009
Agency Contact: Susan McCarthy (916) 654-1017

File# 2009-1214-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

This is the readoption of the emergency regulatory action designating the county of San Joaquin as an additional "eradication area" with respect to the light brown apple moth (*Epiphyas postvittana*). The prior emergency filing will expire on December 17, 2009. Eradication procedures need to be conducted in the City of Manteca due to the infestation of this harmful pest.

Title 3
California Code of Regulations
AMEND: 3591.20(a)
Filed 12/16/2009
Effective 12/16/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-1110-01
DEPARTMENT OF GENERAL SERVICES
Increasing Small Business Ceiling

This rulemaking amends Title 2 sections 1896.4 and 1896.12 of the California Code of Regulations to increase the average annual gross receipts limit for certification as a small business in California State contracting from \$12 million to \$14 million. This rulemaking also increases the average annual gross receipts limit for certification as a microbusiness in California State contracting from \$2.75 million to \$3.5 million. This change is pursuant to Government Code section 14837(d)(3) that requires a biennial review of the average annual gross receipts and allows for an adjustment to be made based on the California Consumer Price Index.

Title 2
California Code of Regulations
AMEND: 1896.4, 1896.12
Filed 12/21/2009
Effective 01/20/2010
Agency Contact: Diana T. Alfaro (916) 375-4919

File# 2009-1103-04
DEPARTMENT OF MANAGED HEALTH CARE
Timely Access to Non-Emergency Health Care Services

This action implements the mandate of Health and Safety Code section 1367.03 that the Department of Managed Health Care develop and adopt regulations to ensure that enrollees in health care service plans have access to needed health care services in a timely manner.

Title 28
California Code of Regulations
ADOPT: 1300.67.2.2
Filed 12/18/2009
Effective 01/17/2010
Agency Contact: Emilie Alvarez (916) 445-9960

File# 2009-1216-03
DEPARTMENT OF SOCIAL SERVICES
Title IV-E Foster Care Overpayment Regulations

CDSS was notified by the Federal Department of Health and Human Services that it was not in compliance with the "Improper Payments Information Act of 2002." The Federal Department of Health and Human Services also notified CDSS that they must repay all identified overpayments of foster care and adoption assistance funds. Senate Bill 84 enacted legislation directing CDSS to adopt regulations to require counties to remit payment of the federal share for overpayments of Title IV-E foster care and adoption assistance overpayments. CDSS in this emergency action is modifying the CDSS Manual of Policies and Procedures (MPP) to implement new regulations to reduce overpayments by placing the burden on counties to implement best practices and develop local oversight functions to reduce the occurrence of overpayments through county errors. These MPP regulations implement processes, procedures to identify, track, report, collect and remit the federal share of Title IV-4 Foster care and adoption assistance overpayments.

Title MPP
California Code of Regulations
AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
Filed 12/22/2009
Effective 12/28/2009
Agency Contact: Everardo Vaca (916) 657-2586

File# 2009-1030-03
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2009-10

This is a certification of compliance filing by the Education Audit Appeals Panel (EAAP) to certify emergency regulations in effect since July 2009 relating to the 2009-2010 audit guide for accountants in the conduct of the statutorily required financial and compliance audits of local education agencies.

Title 5
California Code of Regulations
ADOPT: 19828.4, 19837.3, 19839, 19845.2
AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846
Filed 12/16/2009
Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2009-1203-03
ENVIRONMENTAL PROTECTION AGENCY
Conflict-of-Interest Code

The California Environmental Protection Agency (Cal/EPA) is repealing and adopting its conflict of interest code found at title 27, section 10010, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on November 16, 2009.

Title 27
California Code of Regulations
ADOPT: 10010 REPEAL: 10010
Filed 12/17/2009
Effective 01/16/2010
Agency Contact: Steve Koyasako (916) 327-5719

File# 2009-1119-01
FISH AND GAME COMMISSION
Uplist Delta Smelt to Endangered Species Status

This rulemaking action changes the listing designation for the Delta Smelt from Threatened to Endangered under the California Endangered Species Act so as to more accurately reflect the status of the species in relation to the danger of extinction.

Title 14
California Code of Regulations
AMEND: 670.5
Filed 12/21/2009
Effective 01/20/2010
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-1106-02
SECRETARY OF STATE
Ballots Designations

The Secretary of State proposes to amend existing sections 20711, 20712, 20714, 20716, 20717, 20718, and 20719 and adopt new section 20714.5 in title 2 of the California Code of Regulations on the subject of ballot designations.

Title 2
California Code of Regulations
ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719
Filed 12/21/2009
Effective 12/21/2009
Agency Contact:
Robbie Anderson (916) 653-1690

File# 2009–1216–10

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; Fiscal Crisis SFP Amend

These emergency regulatory amendments extend until January 1, 2011, the SAB’s authority to find school bond apportionments and preliminary apportionments “inactive” to help prevent them from expiring during the State’s current fiscal crisis. This action responds to the Pooled Money Investment Board’s temporary halt of disbursements for capital projects, including the construction of public schools, on December 17, 2008. The amendments continue the SAB’s authority for an additional year to help protect school facility projects from expiring under three programs: (1) New Construction/Modernization Program, (2) Critically Overcrowded School Facilities Program (COS Program), and (3) Charter School Facilities Program (CSFP).

Title 2

California Code of Regulations

AMEND: 1859.96, 1859.148.2, 1859.166.2

Filed 12/22/2009

Effective 12/22/2009

Agency Contact: Robert Young (916) 445–0083

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN July 21, 2009 TO
December 22, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2
12/21/09 AMEND: 1896.4, 1896.12
12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719
11/24/09 AMEND: 1859.2
11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50–02, SAB Form 50–03, SAB Form 50–04
11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823,

20830, 20831, 20832, 20833, 20840, 20841, 20842

11/16/09 AMEND: 1859.129, 1859.197
11/12/09 ADOPT: 18944.4 AMEND: 18944.3
11/12/09 ADOPT: 18219, 18734
11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
11/09/09 ADOPT: 604 REPEAL: 604
11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855
11/03/09 ADOPT: 1859.96 AMEND: 1859.2, 1859.90
10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297
10/01/09 AMEND: 1898.2, 1898.7
09/22/09 ADOPT: 18603, 18603.1
09/22/09 ADOPT: 18901.1 AMEND: 18420.1
09/18/09 AMEND: 1859.76
09/17/09 AMEND: 2270, 2271
09/14/09 AMEND: 588.1, 588.2
08/31/09 ADOPT: 1859.324.2 AMEND: 1859.302, 1859.324.1, 1859.330
08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1 AMEND: 647.1, 647.2, 647.3, 647.4, 647.20, 647.20.1, 647.22, 647.23, 647.24, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.38 REPEAL: 647.25, 647.34
07/30/09 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585

Title 3

12/16/09 AMEND: 3591.20(a)
12/16/09 AMEND: 3406(b)(c)
11/25/09 AMEND: 3435(b)
11/24/09 AMEND: 3430(b)
11/16/09 AMEND: 3435(b)
11/16/09 AMEND: 3406(b)(c)
11/10/09 AMEND: 3434(b)
10/30/09 AMEND: 3435(b), (c) and (d)
10/15/09 AMEND: 3434(b)
10/08/09 AMEND: 3434(b)
10/08/09 AMEND: 3591.20(a)
09/24/09 AMEND: 3406(b)
09/24/09 AMEND: 3434(b)

09/22/09	AMEND: 6562	12/16/09	ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846
09/15/09	AMEND: 3434(b)	12/16/09	ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736
09/14/09	AMEND: 3435(b)	11/03/09	AMEND: 1200, 1204.5, 1207, 1207.5, 1210, 1211.5, 1215, 1215.5, 1216 REPEAL: 1207.2
09/10/09	ADOPT: 2300.1, 2300.2, 2300.3 AMEND: 2300	08/20/09	ADOPT: 19825.1 AMEND: 19816, 19816.1, 19825, 19825.1 (renumber to 19825.2)
09/09/09	AMEND: 3434(b)	07/21/09	ADOPT: 43200
09/03/09	AMEND: 3434(b)	07/21/09	ADOPT: 43220
09/01/09	AMEND: 3435(b)	07/21/09	AMEND: 42920
08/28/09	AMEND: 3434(b)	07/21/09	ADOPT: 40411
08/27/09	AMEND: 3435(b)	Title 8	
08/27/09	AMEND: 3588	12/09/09	AMEND: 9812, 10111.2
08/26/09	AMEND: 6400, 6502, 6620, 6626(a)–(b), 6626(c), 6627, 6670, 6672, 6736, and incorporated by reference forms	12/02/09	AMEND: 4086
08/20/09	AMEND: 3406(b)	11/19/09	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611
08/20/09	AMEND: 3591.13(a)	11/04/09	AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9
08/13/09	AMEND: 3434(b)	10/28/09	AMEND: 3333, 3650
08/13/09	AMEND: 6618, 6619, 6761.1, 6770, 6771	10/26/09	AMEND: 5306
08/12/09	ADOPT: 902.15	10/22/09	AMEND: 3277
08/07/09	AMEND: 3406(b)	10/07/09	AMEND: 2395.6
08/05/09	AMEND: 3434(b), 3434(c)	08/31/09	AMEND: 3385
08/04/09	AMEND: 3423(b)	08/27/09	AMEND: 3400
07/31/09	ADOPT: 3436	07/31/09	AMEND: 1637, 1646
07/24/09	AMEND: 3434(b)	07/27/09	AMEND: 5006.1
07/22/09	ADOPT: 3591.23	07/24/09	AMEND: 3466
07/22/09	AMEND: 3406(b)	07/23/09	AMEND: 1598, 1599
07/21/09	AMEND: 3591.2(a)	Title 9	
Title 4		12/21/09	ADOPT: 9550
12/17/09	AMEND: 8070, 8072, 8073, 8074	12/21/09	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533
12/09/09	AMEND: 12388	11/04/09	ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276, 3200.320, 3200.325, 3550, 3810, 3820, 3830, 3840, 3841, 3842, 3843, 3844, 3844.1, 3845, 3850, 3851, 3851.1, 3852, 3853, 3854, 3854.1, 3854.2, 3856 AMEND: 3310, 3510
12/08/09	ADOPT: 12218.8, 12218.9, 12238, 12239 AMEND: 12200.9, 12200.10A, 12200.11, 12200.13, 12203.2, 12205.1, 12218, 12218.7, 12220.13, 12220.18, 12220.23, 12225.1, 12233, 12235	10/26/09	ADOPT: 4350
10/27/09	AMEND: 8034, 8035, 8042, 8043	09/22/09	ADOPT: 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4, 7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, 7220.7 AMEND: 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220, 7221, 7224, 7225, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7219
10/20/09	AMEND: 1606	09/14/09	ADOPT: 4000, 4005
10/07/09	AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050		
08/25/09	ADOPT: 12380, 12381, 12384, 12385, 12386 AMEND: 12360		
08/04/09	AMEND: 1853		
07/31/09	AMEND: 10020		
07/31/09	ADOPT: 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071		
07/21/09	AMEND: 1979, 1979.1		
07/21/09	REPEAL: 1950.1		
Title 5			
12/18/09	AMEND: 41905		

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08/04/09 AMEND: 7331

Title 10

12/15/09 REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5

12/08/09 AMEND: 2699.6603

12/07/09 ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20

12/03/09 AMEND: 2698.600, 2698.602

12/01/09 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8
AMEND: 2031.9, 2031.10

12/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10

12/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10

12/01/09 AMEND: 2699.200, 2699.201

11/19/09 AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

11/19/09 AMEND: 2498.5

11/19/09 AMEND: 2498.5

11/19/09 AMEND: 2498.4.9

11/19/09 AMEND: 2498.4.9

11/10/09 AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11

10/29/09 AMEND: 2699.6809

10/29/09 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725

10/26/09 AMEND: 2632.9

10/26/09 AMEND: 2695.85

10/15/09 AMEND: 2632.5

10/06/09 ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755

09/29/09 AMEND: 2699.6625

09/24/09 AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3
REPEAL: 260.101, 260.103.3, 260.237.1

09/23/09 AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51

09/17/09 AMEND: 2699.6805

08/19/09 AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809

08/04/09 ADOPT: 2355.1, 2355.2 AMEND: 2359.4 amended and renumbered to 2355.3, 2359.7 renumbered to 2355.4, 2359.8 renumbered to 2355.5 REPEAL: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.5, 2359.6

07/29/09 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55

Title 11

11/09/09 AMEND: 1005, 1007, 1008

10/14/09 AMEND: 9052(c), 9053(b), 9053(c), 9053(e)(5)(A)4, 9053(e)(10)(A), 9053(e)(10)(B), 9054(e)(4), 9057(b), 9059(b), 9059(c), 9059(e)(9)(A), 9059(e)(9)(B), 9060(e)(4)

Title 12

10/13/09 ADOPT: 600 REPEAL: 600

09/17/09 ADOPT: 508

Title 13

12/15/09 ADOPT: 155.07 AMEND: 155.05

12/09/09 ADOPT: 2025

12/03/09 AMEND: 425.01

10/20/09 AMEND: 2433

10/13/09 ADOPT: 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359

09/16/09 ADOPT: 2468, 2468.1, 2486.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10

09/01/09 AMEND: 2222

08/24/09 AMEND: 2193

08/12/09 AMEND: 2020(b)

07/29/09 AMEND: 599

Title 13, 17

12/03/09 AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5

Title 14

12/21/09 AMEND: 670.5

12/21/09 AMEND: 2310, 2320
 12/02/09 AMEND: 699.5
 12/01/09 AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9
 11/30/09 ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14
 11/30/09 AMEND: 1052, 1052.1, 1052.4
 11/25/09 AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10
 11/23/09 ADOPT: 749.4
 11/18/09 AMEND: 163, 164
 10/29/09 AMEND: 551
 10/27/09 AMEND: 938.8
 10/27/09 ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567
 10/26/09 ADOPT: 1091.15 AMEND: 1091.9
 10/22/09 ADOPT: 749.5
 10/20/09 ADOPT: 6594, 6594.1, 6594.2, 6594.3, 6594.4, 6594.5, 6594.6, 6594.7, 6594.8, 6594.9, 6594.20, 659.21, 6594.22, 6594.23, 6594.24, 6594.25, 6594.26, 6594.27, 6594.40, 6594.41, 6594.42, 6594.43, 6594.44, 6594.45, 6594.46, 6594.47
 10/20/09 AMEND: 300
 10/07/09 AMEND: 122
 10/05/09 AMEND: 670.5
 09/15/09 AMEND: 502
 08/25/09 AMEND: 257, 300, 311, 313
 08/24/09 ADOPT: 749.4

Title 15

12/21/09 AMEND: 3287, 3290
 11/24/09 ADOPT: 3123, 3124 AMEND: 3041.3, 3122, 3162, 3164, 3165
 10/23/09 ADOPT: 3999.8
 10/14/09 AMEND: 3045.2
 10/06/09 AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323
 09/29/09 AMEND: 3341.5
 08/18/09 ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
 08/11/09 AMEND: 2253
 08/11/09 ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1
 07/28/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375

Title 16

12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42
 12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6
 12/09/09 AMEND: 1314.1
 12/03/09 AMEND: 1338
 11/30/09 AMEND: 832.45, 832.46, 861 REPEAL: 842
 11/30/09 AMEND: 2286
 11/12/09 ADOPT: 645
 11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17, 3340.42
 10/08/09 AMEND: 1888
 10/07/09 ADOPT: 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1399.50, 1399.52
 10/05/09 ADOPT: 1399.514
 09/16/09 ADOPT: 1950.1 AMEND: 1984
 09/16/09 ADOPT: 1399.720, 1399.721, 1399.722, 1399.723, 1399.724, 1399.725
 09/08/09 AMEND: 2310
 08/24/09 AMEND: 4161
 08/11/09 AMEND: 2504.1, 2517.5, 2537, 2540.6, 2564.1, 2575.5, 2590, 2592.6
 08/05/09 AMEND: 995
 08/05/09 AMEND: 1399.15
 08/04/09 ADOPT: 1773.5 AMEND: 1773
 07/28/09 AMEND: 4110
 07/27/09 AMEND: 4130
 07/24/09 AMEND: 1391.10, 1391.12
 07/24/09 AMEND: 1387, 1387.6

Title 17

12/17/09 ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611
 12/14/09 ADOPT: 95320, 95321, 95322, 95323, 95324, 95325, 95326
 12/09/09 ADOPT: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311
 11/12/09 AMEND: 30305
 11/10/09 ADOPT: 100502
 10/15/09 ADOPT: 1230 REPEAL: 1230
 09/22/09 AMEND: 2500, 2502, 2505
 09/18/09 AMEND: 100500
 09/01/09 ADOPT: 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370
 08/19/09 ADOPT: 100081

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08/13/09	AMEND: 6500.74, 6500.77	2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
Title 18		
09/29/09	AMEND: 1620	
07/30/09	AMEND: 1668	
Title 19		
11/19/09	AMEND: 200, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217	09/15/09 ADOPT: 2910.1
11/06/09	AMEND: 901, 905, 905.2, 906.3	09/15/09 ADOPT: 3989.9
Title 20		
08/03/09	AMEND: 1670, 1671, 1672, 1673, 1674, 1675	09/10/09 ADOPT: 490.1, 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 493.1, 493.2
Title 21		AMEND: 490, 491, 492, 493, 494
10/06/09	ADOPT: 1412.1, 1412.2, 1412.3, 1412.4, 1412.5, 1412.6, 1412.7, 1412.8, 1412.9	REPEAL: 495
09/16/09	ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711	08/05/09 ADOPT: 3959.2
Title 22		Title 24
12/21/09	AMEND: 7314	12/02/09 ADOPT: 1-702 AMEND: 1-701
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12/15/09	AMEND: 2200	08/19/09 ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
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10/21/09	AMEND: 1062, 1064, 1066, 1070	10/26/09 AMEND: 25102(d)
10/06/09	AMEND: 3939.2	07/23/09 AMEND: 25204
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09/30/09	AMEND: 3939.2	12/18/09 ADOPT: 1300.67.2.2
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		12/22/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
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		09/22/09 AMEND: 40-107, 42-213, 89-130
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